

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 154

95TH GENERAL ASSEMBLY

2009

0965L.03T

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## AN ACT

To repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 393.829, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 393.829, to read as follows:

393.829. A nonprofit sewer company shall have power:

- 2 (1) To sue and be sued, in its corporate name;
- 3 (2) To have succession by its corporate name for the period stated in its  
4 articles of incorporation or, if no period is stated in its articles of incorporation,  
5 to have such succession perpetually;
- 6 (3) To adopt a corporate seal and alter the same at pleasure;
- 7 (4) To provide wastewater disposal and wastewater treatment services to  
8 its members, to governmental agencies and political subdivisions;
- 9 (5) To make loans to persons to whom wastewater disposal or wastewater  
10 treatment is or will be supplied by the company for the purpose of, and otherwise  
11 to assist such persons in, installing therein plumbing fixtures, appliances,  
12 apparatus and equipment of any and all kinds and character, and in connection  
13 therewith, to purchase, acquire, lease, sell, distribute, install and repair such  
14 plumbing fixtures, appliances, apparatus and equipment, and to accept or  
15 otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and  
16 otherwise dispose of notes, bonds and other evidences of indebtedness and any  
17 and all types of security therefor;
- 18 (6) To make loans to persons to whom wastewater disposal or wastewater

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 treatment is or will be supplied by the company for the purpose of, and otherwise  
20 to assist such persons in, constructing, maintaining and operating commercial or  
21 industrial plants or facilities;

22 (7) To construct, purchase, take, receive, lease as lessee, or otherwise  
23 acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign,  
24 transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose  
25 of or encumber, wastewater provision or collection or treatment systems, plants,  
26 lands, buildings, structures, dams, and equipment, and any and all kinds and  
27 classes of real or personal property whatsoever, which shall be deemed necessary,  
28 convenient or appropriate to accomplish the purpose for which the company is  
29 organized;

30 (8) To purchase or otherwise acquire, and to own, hold, use and exercise  
31 and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise  
32 dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and  
33 easements;

34 (9) To borrow money and otherwise contract indebtedness, and to issue  
35 notes, bonds, and other evidences of indebtedness therefor, and to secure the  
36 payment thereof by mortgage, pledge, deed of trust, or any other encumbrance  
37 upon any or all of its then-owned or after-acquired real or personal property,  
38 assets, franchises, revenues or income;

39 (10) To construct, maintain and operate wastewater distribution and  
40 collection and treatment plants and lines along, upon, under and across all public  
41 thoroughfares, including without limitation, all roads, highways, streets, alleys,  
42 bridges and causeways, and upon, under and across all publicly owned lands;

43 (11) To exercise the power of eminent domain in the manner provided by  
44 the laws of this state for the exercise of that power by corporations constructing  
45 or operating electric transmission and distribution lines or systems;

46 (12) To conduct its business and exercise any or all of its powers within  
47 or without this state;

48 (13) To adopt, amend and repeal bylaws; [and]

49 (14) To do and perform any and all other acts and things, and to have and  
50 exercise any and all other powers which may be necessary, convenient or  
51 appropriate to accomplish the purpose for which the company is organized; **and**

52 **(15) To provide all services and assume all responsibilities**  
53 **authorized to a nonprofit water company organized under sections**  
54 **393.900 to 393.954, when approved by its members, provided that no**

55 **domestic water services may be provided within the boundaries of an**  
56 **existing public water supply district, municipal utility, or within the**  
57 **certificated area of a water corporation as defined in section 386.020,**  
58 **RSMo.**

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Unofficial

Bill

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